

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	: <b>CIVIL ACTION NO. 1:05-CR-487</b>
	:	
v.	:	: <b>(Chief Judge Conner)</b>
	:	
<b>ALAN M. NUNEZ,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 15th day of September, 2016, upon consideration of the *pro se* motion (Doc. 147) of defendant Alan M. Nunez (“Nunez”) to stay proceedings on his pending motion (Doc. 140) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 in light of the Supreme Court’s decision in Johnson v. United States, 576 U.S. \_\_\_, 135 S. Ct. 2551 (2015), wherein Nunez requests that the court stay proceedings on his Section 2255 motion (Doc. 140) pending a decision by the United States Supreme Court in Beckles v. United States, No. 15-8544, 136 S. Ct. 2510 (mem.) (2015), and it appearing that the Court in Beckles will decide whether Johnson’s invalidation of the residual clause of the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(B)(ii), as unconstitutionally vague should extend to invalidate the residual clause of the career offender provision of the United States Sentencing Guidelines, U.S.S.G. § 4B1.2(a)(2), but it further appearing that Nunez was not sentenced under the residual clause of the career offender provision such that the

Court's determination in Beckles will not impact upon his pending Section 2255 motion, it is hereby ORDERED that:

1. Nunez's motion (Doc. 147) to stay proceedings is DENIED.
2. Nunez's alternative request for an extension of time to file a reply brief in further support of his Section 2255 motion (Doc. 140) is GRANTED. Nunez shall file his reply brief on or before **Monday, October 17, 2016**.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania